

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

MICHAEL J. GRANATA, )  
                        )  
Plaintiff,            )  
                        )  
v.                     ) C.A. 06-1618  
                        )  
WESTMORELAND COUNTY PRISON, ) Judge Hardiman  
et al.,                ) Magistrate Judge Caiazza  
                        )  
Defendants.           )

**MEMORANDUM ORDER**

The Plaintiff's complaint was received by the Clerk of Court on December 12, 2006, and was referred to United States Magistrate Judge Francis X. Caiazza for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. §636(b)(1).

The Magistrate Judge's Report and Recommendation, filed on January 4, 2007 (Doc. 3) recommended that the Plaintiff's application for leave to proceed in forma pauperis be denied and that this action should be dismissed without prejudice because the Plaintiff failed to submit to the court a certified copy of his institutional account statement. It was also recommended that the Plaintiff should be permitted to re-file this action within the applicable statute of limitations period by paying the full filing fee of \$350.00.

Service was made on the Plaintiff by First Class United States Mail delivered to the Westmoreland County Jail,

Greensburg, Pennsylvania, where he is incarcerated. No objections have been filed nor has the full filing fee of \$350.00 been received.

After review of the pleadings and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 25<sup>th</sup> day of January, 2007;

IT IS HEREBY ORDERED that the Plaintiff's complaint is dismissed without prejudice. The Plaintiff may re-file this case within the applicable limitations period by the payment of the full filing fee of \$350.00.

The Report and Recommendation of United States Magistrate Judge Francis X. Caiazza, dated January 4, 2007 (Doc. 3) is adopted as the opinion of the court.

  
\_\_\_\_\_  
Thomas M. Hardiman  
U.S. District Court Judge

cc:  
MICHAEL J. GRANATA , BK19902006  
Westmoreland County Prison  
3000 South Grande Boulevard  
Greensburg, PA 15601